

14-06
**ORDINANCE OF THE BOROUGH OF MERCHANTVILLE,
COUNTY OF CAMDEN AND STATE OF NEW JERSEY
AMENDING CHAPTER 1, GENERAL PROVISIONS, IN THE
CODE OF THE BOROUGH OF MERCHANTVILLE**

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Merchantville, County of Camden, and State of New Jersey, that Chapter 1, General Provisions, in the Code of the Borough of Merchantville, is amended as follows:

ARTICLE I. SECTION 1-9. General penalty.

A. Unless a specific penalty is provided by New Jersey statute or is provided elsewhere in this Code or in other ordinances of the Mayor and Council for a particular violation, any person, firm or corporation who or which shall violate any of the provisions of this Code, or any provision of any code or regulation adopted by reference therein or any order promulgated under such provisions, code or regulation, by doing any act prohibited or declared unlawful or a violation thereof or who shall engage in or exercise any business or occupation or do anything for which a license or permit is required thereby without having a valid license or permit therefor as required or who shall fail to do any act required by any such provision or when such provision declares such failure to be unlawful or to be a violation shall, upon conviction thereof, be liable for a fine not exceeding \$2,000.00, or imprisonment in the county jail for a term not exceeding 90 days, or a period of community service not exceeding 90 days, or any combination of the penalties so listed, in the discretion of the Judge of the Municipal Court before whom such violation is heard and conviction made.

B. A separate offense shall be deemed committed on each day during or on which a violation of the Code or of any other ordinance of the borough, punishable by fine or imprisonment, or both, occurs or continues.

C. The imposition of a fine or imprisonment as punishment for a violation of the Code or of any other ordinances of the borough, shall not be deemed to be in lieu of any other provision therein providing for revocation or suspension of any license or permit issued thereunder .

D. The provisions of this section shall be applicable to the violation of any ordinance adopted as an amendment of or addition to the Code of the Borough of Merchantville and in which no other penalty provision is included.

E. In any case where a fine in excess of \$1,250.00 is sought to be imposed for a housing violation or for a zoning violation, any person, firm or corporation who or which shall violate any of the provisions of this Code, or any provision of any code or regulation adopted by reference therein or any order promulgated under such provisions, shall be provided a thirty-day (30) period in which such person, firm or corporation has an opportunity to cure or abate the condition, and the person, firm or corporation shall have an opportunity for a hearing before the court. After the thirty-day (30) period, the higher fine may be imposed if, in the discretion of the Judge of the Municipal Court before whom such violation is heard and conviction made, it is determined that the abatement has not been substantially completed.

ARTICLE II.

All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

ARTICLE III.

This Ordinance shall take effect upon passage and publication according to law.

THE BOROUGH OF MERCHANTVILLE

BY: _____
FRANK M. NORTH, MAYOR

ATTEST:

**_____
DENISE BROUSE, BOROUGH CLERK**

The foregoing ordinance was introduced by Mayor and Council at a meeting held on July 14, 2014. This Ordinance will be considered for adoption on final reading and public hearing to be held on August 11, 2014 at 7:30 p.m in the Council Meeting Room, Merchantville Borough Hall, 1 West Maple Avenue, Merchantville, New Jersey.

The purpose of this Ordinance is to make certain amendments to the General Penalty provisions in the Code of the Borough of Merchantville consistent with New Jersey Statutes. A copy of this Ordinance is available at no charge to the general public between the hours of 8:30 AM to 4:30 PM,

Monday through Friday (Legal Holidays excluded), at the Office of the Borough Clerk, Merchantville Borough Hall, 1 West Maple Avenue, Merchantville, New Jersey.